

Application No. 09/242,772
Paper dated February 13, 2006
Response to Office Action dated December 29, 2005
Attorney Docket No. 0702-990278

REMARKS

Claims 53-55 are pending in this application. Claims 54 and 55 have been amended.

The undersigned representative of the Applicants appreciates the courtesies extended in a telephone interview on January 16, 2006 with the Examiner in which the Examiner agreed to certain claim amendments to claims 54 and 55 which should place the claims in condition for allowance.

35 U.S.C. 112 Rejections

Claims 54 and 55 stand rejected under 35 U.S.C. 112, first paragraph, for asserted lack of written description. The Examiner states that the deletion of the word "fragment" from claims 54 and 55 results in the change of the claimed hybrid nucleic acid, resulting in new matter.

Claims 54 and 55 stand rejected under 35 U.S.C. 112, first paragraph, for asserted lack of enablement. The Examiner states that the instant specification provides no guidance or working examples with respect to the hybrid nucleic acid molecules claimed by claims 54 and 55.

Claims 54 and 55 have been amended as suggested by the Examiner. Specifically, claim 54 now recites a nucleic acid fragment fused to exons 3 to 5 of PLAG1 of claim 53, in which the fragment consists of 509 base pairs corresponding to exon 1 of CTNNB1, wherein the nucleic acid fragment is a CTNNB1 translocation partner of PLAG1. Similarly, claim 55 has been amended to recite a nucleic acid fragment fused to exons 2 to 5 of PLAG1 of claim 53, in which the fragment consists of 614 base pairs corresponding to exon 1 of CTNNB1, wherein the nucleic acid fragment is a CTNNB1 translocation partner of PLAG1.

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In view of the foregoing amendments and remarks, it is respectfully submitted that all of the pending claims in the present application comply with the requirements of Sec. 112. Accordingly, reconsideration and withdrawal of the rejection and an early Notice of Allowance are respectfully requested.

Respectfully submitted,

THE WEBB LAW FIRM

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